

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NEW YORK

LG 5 DOE,
LG 6 DOE,
LG 7 DOE,
LG 8 DOE,
LG 9 DOE,

SUMMONS

Plaintiffs,

vs.

FRANCISCAN FRIARS- HOLY NAME PROVINCE (NY)
129 W 31st Street, Second Floor
New York, New York 10001

Defendant.


TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's Attorneys within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

New York County is designated as the place of trial on the basis on the Defendant's place of business located in New York, New York.

DATED: Buffalo, New York
November 5, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

WILLIAM P. MOORE, ESQ.
CHRISTINA M. CROGLIO, ESQ.
Attorneys for Plaintiff
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[WPM : # 65753.0001]

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NEW YORK

LG 5 DOE,
LG 6 DOE,
LG 7 DOE,
LG 8 DOE,
LG 9 DOE,

COMPLAINT

Plaintiffs,

vs.

FRANCISCAN FRIARS- HOLY NAME PROVINCE (NY),

Defendant.

Plaintiffs, above named, by their attorneys, LIPSITZ GREEN SCIME CAMBRIA LLP,
for their Complaint against Defendant, allege:

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 5 DOE, ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 5 DOE, is a resident of the County of Rockland and State of New York.
2. At the time of the incidents set forth herein, Plaintiff, LG 5 DOE, (hereinafter referred to as "THE CHILD 5") was an infant having been born in 1960.
3. This action is commenced pursuant to the provisions of the New York Child Victims Act.
4. Upon information and belief, at all times herein mentioned, Defendant, FRANCISCAN FRIARS- HOLY NAME PROVINCE (NY), was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New

York and maintains an office for the transaction of business located within the County of New York and State of New York. This organization operates under the authority of the Roman Catholic Church.

5. Defendant, FRANCISCAN FRIARS- HOLY NAME PROVINCE (NY) is hereinafter referred to as "THE ROMAN CATHOLIC CHURCH."

6. THE ROMAN CATHOLIC CHURCH owned, operated, maintained and controlled a religious institution and surrounding property known as the SAINT JOSEPH'S SERAPHIC SEMINARY located in Callicoon, New York (hereinafter referred to as "THE SEMINARY".)

7. Upon information and belief, at all times herein mentioned, Joseph Trunk, (hereinafter referred to as "THE CHILD MOLESTER") was hired and employed by FRANCISCAN FRIARS and FRANCISCAN FRIARS conferred upon THE CHILD MOLESTER the religious title "Brother."

8. Upon information and belief, THE CHILD MOLESTER, is deceased.

9. According to the ROMAN CATHOLIC CHURCH doctrine, when a person physically dies, he or she lives forever through their "Soul" and according to church doctrine, THE CHILD MOLESTER, in all likelihood, therefore now resides in a place called "Hell" due to the sexual crimes he committed against THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, THE CHILD 9, and other children. Despite exercising due diligence, THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9 are unable to locate "Hell" to serve THE CHILD MOLESTER with the Summons and Complaint. The limitations set forth in CPLR §1601 do not apply.

10. Upon information and belief, at all times herein mentioned, THE CHILD

MOLESTER was assigned to THE SEMINARY as a brother, and was acting as its agent, employee or representative.

11. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was under the direction, supervision and control of Defendant, THE ROMAN CATHOLIC CHURCH,

12. Beginning in or about 1972, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD 5 at THE SEMINARY property owned, operated, maintained and controlled by THE ROMAN CATHOLIC CHURCH.

13. The sexual crimes committed by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD 5.

14. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD 5, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

15. This action falls within one or more of the exceptions set forth in CPLR §1602.

16. As a result of the foregoing, THE CHILD 5, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

17. As a result of the foregoing, THE CHILD 5, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have

jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 6 DOE, ALLEGES AS FOLLOWS:**

18. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "17" of this Complaint with the same force and effect as if fully set forth herein.

19. Plaintiff, LG 6 DOE, is a resident of the State of North Carolina.

20. At the time of the incidents set forth herein, Plaintiff, LG 6 DOE, (hereinafter referred to as "THE CHILD 6") was an infant having been born in 1960.

21. In the summer of 1972 or 1973, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD 6 at THE SEMINARY.

22. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD 6.

23. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD 6, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

24. This action falls within one or more of the exceptions set forth in CPLR §1602.

25. As a result of the foregoing, THE CHILD 6, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would

otherwise have jurisdiction.

26. As a result of the foregoing, THE CHILD 6, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 7 DOE, ALLEGES AS FOLLOWS:**

27. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "26" of this Complaint with the same force and effect as if fully set forth herein.

28. Plaintiff, LG 7 DOE, is a resident of the County of Sullivan and State of New York.

29. At the time of the incidents set forth herein, Plaintiff, LG 7 DOE, (hereinafter referred to as "THE CHILD 7") was an infant having been born in 1961.

30. Beginning in or about 1972, and continuing through sometime in 1974, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD 7 at THE SEMINARY.

31. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD 7.

32. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD 7, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full

enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

33. This action falls within one or more of the exceptions set forth in CPLR §1602.

34. As a result of the foregoing, THE CHILD 7, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

35. As a result of the foregoing, THE CHILD 7, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 8 DOE, ALLEGES AS FOLLOWS:**

36. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "35" of this Complaint with the same force and effect as if fully set forth herein.

37. Plaintiff LG 8 DOE, is a resident of the State of Missouri.

38. At the time of the incidents set forth herein, Plaintiff, LG 8 DOE, (hereinafter referred to as "THE CHILD 8") was an infant having been born in 1961.

39. Beginning in or about January 1972, and continuing through sometime in 1973, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD 8 at THE SEMINARY.

40. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD 8.

41. As a direct result of conduct by THE CHILD MOLESTER as described herein,

THE CHILD 8, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

42. This action falls within one or more of the exceptions set forth in CPLR §1602.

43. As a result of the foregoing, THE CHILD 8, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

44. As a result of the foregoing, THE CHILD 8, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 9 DOE, ALLEGES AS FOLLOWS:**

45. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "44" of this Complaint with the same force and effect as if fully set forth herein.

46. Plaintiff, LG 9 DOE, is a resident of the State of Alaska.

47. At the time of the incidents set forth herein, Plaintiff, LG 9 DOE, (hereinafter referred to as "THE CHILD 9") was an infant having been born in 1961.

48. Beginning in or about January 1972, and continuing through sometime in 1973, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD 9 at THE

SEMINARY.

49. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD 9.

50. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD 9, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

51. This action falls within one or more of the exceptions set forth in CPLR §1602.

52. As a result of the foregoing, THE CHILD 9, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

53. As a result of the foregoing, THE CHILD 9, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SIXTH CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN, PLAINTIFFS
LG 5 DOE, LG 6 DOE, LG 7 DOE, LG 8 DOE AND LG 9
DOE ALLEGE AS FOLLOWS:**

54. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs "1" through "53" of this Complaint with the same force and effect as if fully set forth herein.

55. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTER as a representative at THE SEMINARY, placing him in a position to commit sexual crimes against THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9.

56. Defendant, THE ROMAN CATHOLIC CHURCH, knew or reasonably should have known of the propensities of THE CHILD MOLESTER to commit acts of sexual crimes, battery, rape and other sexual offenses against THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, THE CHILD 9, and other children.

57. Upon information and belief, prior to the incident set forth herein, Defendant, THE ROMAN CATHOLIC CHURCH, was aware and was otherwise on actual notice that a number of its employees working as priests/brothers, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

58. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8 and THE CHILD 9 and/or the parents of THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8 and THE CHILD 9 of the danger THE CHILD MOLESTER posed to THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8 and THE CHILD 9.

59. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8 and THE CHILD 9 and/or the parents of THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8 and THE CHILD 9 of the danger its employee posed to THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8 and THE CHILD 9 and other children.

60. Upon information and belief, the aforesaid incidents and resultant injury and

damages to THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

61. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, THE CHILD 9, and other children.

62. As a result of the foregoing, THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9, have sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN, PLAINTIFFS
LG 5 DOE, LG 6 DOE, LG 7 DOE, LG 8 DOE AND LG 9
DOE ALLEGE AS FOLLOWS:**

63. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs "1" through "62" of this Complaint with the same force and effect as if fully set forth herein.

64. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the retaining of THE CHILD MOLESTER.

65. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, THE CHILD 9, and other children.

66. As a result of the foregoing, THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9 have sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR AN EIGHTH CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN, PLAINTIFFS
LG 5 DOE, LG 6 DOE, LG 7 DOE, LG 8 DOE AND LG 9
DOE ALLEGE AS FOLLOWS:**

67. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs "1" through "66" of this Complaint with the same force and effect as if fully set forth herein.

68. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in supervising THE CHILD MOLESTER.

69. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, THE CHILD 9, and other children.

70. As a result of the foregoing, THE CHILD 5, THE CHILD 6, THE CHILD 7, THE CHILD 8, and THE CHILD 9, have sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiffs demand judgment against Defendant, in the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together with the

costs and disbursements of the action.

DATED: Buffalo, New York
November 5, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

WILLIAM P. MOORE, ESQ.

CHRISTINA M. CROGLIO, ESQ.

Attorneys for Plaintiff

42 Delaware Avenue, Suite 120

Buffalo, New York 14202-3924

(716) 849-1333

[WPM: # 65753.0001]

SLATER SLATER SCHULMAN LLP

Attorneys for Plaintiff

909 Third Avenue, 28th Floor

New York, New York 10022

(800) 251-6990